

UNITED STATES DISTRICT COURT
FOR DISTRICT OF NEW MEXICO

KAYLYN ROTH, on behalf of herself
and those similarly situated,

Plaintiff,

v.

Case No. 11-cv-1023-BB-RHS

BEAM GLOBAL SPIRITS &
WINE, INC.,

Defendant.

PLAINTIFF'S UNOPPOSED MOTION FOR STAY

COMES NOW, Plaintiff, by and through her attorneys, JONES, SNEAD, WERTHEIM & WENTWORTH, P.A., and hereby respectfully requests that this Court stay the pending litigation in this matter until further order of the Court. In support of this motion, Plaintiff states as follows:

1. This is a putative consumer class action related to the sale of the Skinnygirl Margarita brand of ready-made cocktails.

2. Several other putative class actions making similar claims are pending before other United States District Courts, including *Colette Von Kaenel v. Skinny Girl Cocktails L.L.C., et al.* Case No. 2:11-cv-07305-JAK-PJW in United States District Court for the Central District of California (the "Von Kaenel putative Class Action").

3. On March 19, 2012, Plaintiff, Colette Von Kaenel, filed a Motion for Appointment of Interim Class Counsel in the Von Kaenel putative Class Action. Defendant Beam is opposing that motion.

4. A hearing for the Motion for Appointment of Interim Class Counsel in the Von Kaenel putative Class Action is set for May 21, 2012.

5. In this above-captioned action, the Court issued an Order on March 28, 2012, setting a deadline of May 1, 2012, for the filing of a Joint Status Report. [Doc. 19].

6. If the Court in the Von Kaenel putative Class Action appoints interim class counsel, then several efficiencies in coordinated discovery, motion practice and other pretrial matters will most likely be attainable.

7. Undersigned counsel remains in contact with Plaintiff's counsel in the Von Kaenel putative Class Action and intends to coordinate activities with them in order to avoid duplication of any pretrial burdens on Defendant.

8. Therefore, Plaintiff believes that a stay of proceedings pending resolution of the Motion for Appointment of Interim Class Counsel in the Von Kaenel putative Class Action best serves the interests of judicial economy and that deadlines, including the deadline for filing of the Joint Status Report, should be vacated until further order of the Court.

9. Plaintiff will timely advise the Court of the resolution of the Motion for Appointment of Interim Class Counsel in the Von Kaenel putative Class Action.

10. Defendant does not oppose this motion.

WHEREFORE, Plaintiff respectfully asks this Court to stay the litigation in this matter until further order of the Court.

Respectfully Submitted,

JONES, SNEAD, WERTHEIM
& WENTWORTH, P.A.

/s/ John V. Wertheim

JOHN V. WERTHEIM

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CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2012 I electronically filed the foregoing Motion to Stay with the Clerk of the Court of the United States District Court for the District of New Mexico using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ John V. Wertheim

John V. Wertheim